



OPEN BURNING AND RECREATIONAL FIRES

SCOPE

This publication outlines the requirements and limitations for open burning and recreational fires within the City of Winchester.

OVERVIEW

Open burning is defined as the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with the Virginia Statewide Fire Prevention Code and the City of Winchester Fire Prevention Code.

DEFINITIONS

Bonfire - An outdoor fire utilized for ceremonial purposes.

Clean Lumber - Wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

Recreational Fire - An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

Yard Waste - Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.

PROHIBITED & PERMITTED OPEN BURNING

1. **Prohibited Open Burning.** Open burning shall be prohibited within the City of Winchester when related to the following:
 - During periods designated by the Virginia State Air Pollution Control Board.

- Before 4 p.m. each day between February 15 - April 30 if the fire is in, or within 300 feet of, woodland, brushland or fields containing dry grass or other flammable materials (Code of Virginia § 10.1-1142).
 - Burning of yard waste, household trash, garbage, refuse, household waste, commercial waste, construction waste, combustible liquids, debris waste, hazardous waste, impregnated lumber, junk, rubber, plastics, stumps, tires, tar based materials, oil or petroleum based products, products of salvage operations, chemicals, animal carcasses and similar materials is prohibited.
 - Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous (i.e. citizen complaints or lack of prior approval from neighbors).
2. **Permitted Open Burning.** The following open burning shall be permitted within the City of Winchester after obtaining a permit from the fire code official.
- Industrial applications other than those identified as land clearing.
 - Agricultural burning, such as clearing of field or fence rows, for materials generated on site where the property on which the burning is to be carried out contains at least 5 acres. The burning may be no closer than 50 feet from a structure and 1,000 feet from an occupied structure, unless prior permission has been given by the occupant and may not pose a hazard to highways.
 - Bonfires and ceremonial fires consisting of seasoned wood piled neatly, no more than 5 feet in diameter by 5 feet in height and ignited with a small quantity of paper.
 - Warming barrels containing clean lumber at a construction site, as approved by the fire code official. Such burning shall be contained within a barrel or similar container, be covered or screened to prevent flying embers and may be no closer than 15 feet from a structure.
 - Recognized silvicultural, range, or wildlife management practices, prevention or control of disease or pests, where the property on which the burning is to be carried out contains at least 5 acres.
3. **Allowable burning.** Open burning shall be allowed without prior notification to the fire code official for recreational fires, highway safety flares, smudge pots, and similar occupational needs.

FIRE SAFETY REQUIREMENTS

1. **Location.** The location for open burning shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.
- Exceptions:
1. Fires in approved containers that are not less than 15 feet from a structure.
 2. The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.
2. **Bonfires.** A bonfire shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition.

3. **Recreational fires.** Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
4. **Attendance.** Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
5. **Permitted Times.** Open burning shall be conducted only during daylight hours except when otherwise approved by the fire code official.
6. **Endangering other property.** No person shall kindle nor authorize to be kindled or maintain any permitted fire in such a manner that will endanger the property of another.
7. **Extinguishment authority.** The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation.

PERMIT, INSPECTION and APPROVAL

1. A permit shall be obtained from the fire code official prior to kindling a fire. Permits will only be issued to the owner or the owner's agent, for the land which the fire is to be kindled. A permit application can be obtained from the fire and rescue department office located at 231 E. Piccadilly Street or by going to our website at www.winchesterva.gov/fire/permit.
2. **Site Plan Required.** A plat or site plan of the property shall be provided with the permit application and shall include the following information:
 - Proposed location of the controlled burning operation.
 - Location of all utilities such as gas meters and overhead power lines.
 - Location of all structures and woodlands near the burn location.
 - Location of the two closest fire hydrants and all fire department access routes.
3. **Schedule a Site Inspection.** The site inspection must be scheduled at least one business day prior to the start of the controlled burning operations. To schedule the site inspection, contact the Office of the Fire Marshal at **540-662-2298**, Monday - Friday, 8:00 am - 5:00 pm.
4. **Notification.** Notification to the Winchester Emergency Communications Center is required prior to and at the conclusion of any open burning. Contact the Winchester Emergency Communications Center 540-662-4131 and provide the following information:
 - Provide your name, a contact number and the address/location of the controlled burning operation.
5. **Post-Burn Requirements.** At the conclusion of the open burning, be sure the fire is completely extinguished and notify the Winchester Emergency Communications Center that open burning has stopped.

Questions about the contents of this publication should be directed to the Fire Marshal's Office at 540-662-2298, Monday through Friday, 8:00 a.m. to 5:00 p.m.